

# **EXHIBIT B**

**MUCERINO, et al.**

**vs.**

**MARTIN**

**FRANK MUCERINO**

**June 07, 2021**

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

FRANK MUCERINO, III and  
CREEKSIDE TERRACE, LLC,  
Plaintiffs,  
vs. Case No. 3:21-cv-00284  
CHARLES JOSHUA DALE MARTIN,  
Defendant.

Videoconference Deposition of:

FRANK L. MUCERINO, III

Taken on behalf of the Defendant

June 7, 2021

Commencing at 1:33 p.m.

Elite-Brentwood Reporting Services  
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Florida Warranty Deed

A P P E A R A N C E S

For the Plaintiffs:

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Also Present:

MS. STEPHANIE MUCERINO

S T I P U L A T I O N S

The videoconference deposition of FRANK  
L. MUCERINO, III, was taken by counsel for the  
Defendant, with all participants appearing at their  
respective locations, on June 7, 2021, for all  
purposes under the Federal Rules of Civil Procedure.

All objections, except as to the form of  
the questions, are reserved to the hearing, and that  
said deposition may be read and used in evidence in  
said cause of action in any trial thereon or any  
proceeding herein.

It is agreed that SANDRA ANDRYS, LCR,  
RPR, RMR, Notary Public and Court Reporter for the  
State of Tennessee, may swear the witness remotely,  
and that the reading and signing of the completed  
deposition by the witness was not mentioned.

\* \* \*

FRANK L. MUCERINO, III

was called as a witness, and having first been duly sworn, testified as follows:

## EXAMINATION

QUESTIONS BY MR. NEFFLEN:

Q. Mr. Mucerino, my name is John Nefflen, and I represent Josh Martin in this action that you filed on April 7, 2021, you and Creekside.

Sandy has already covered one of the ground rules. And the other two that I want to cover real quick is, number one, whenever you give a response, it's important that I allow you to complete your thought before I interrupt you -- or before I ask my next question. In the same turn, when I'm asking you a question, please let me get it out. Even if you already know what I'm going to ask you, let me get it out so we can get it on the record and we'll try not to talk over each other, okay?

A. Okay.

Q. And if I have to remind you and you have to remind me, we won't take it personally.

A. Sure.

Q. And, also, it's important that when you give

a response, that it be out loud so the court reporter can take down your response. A nod of the head, an uh-huh, those don't really work in a deposition. So if I have to remind you, don't take it personally, okay?

A. Okay.

Q. We are not going to be here that long, but if at any time during the deposition you feel like you need to take a break, just let me know, we'll find a good place to stop, all right?

A. Okay.

Q. Your full name, as you told us earlier, is Frank Louis Mucerino, III; correct?

A. That's correct.

Q. On April 7th, where were you actually physically located? Where were you located on April 7, 2021?

A. I don't remember.

Q. Okay. Were you in Tennessee?

A. I don't remember.

Q. Were you in Florida?

A. I don't remember.

Q. Is there any way that we can figure out where you were on April 7, 2021?

A. I'd have to go back and look and try to

figure out where I was on that day.

Q. Okay. What would help us figure out where you were on April 7, 2021?

A. I'm not sure. I don't remember that either, so I'll have to look at my schedule. Like I said, I've kind of moved a lot the last couple months, so --

Q. Well, in the last couple months, let's say in April, the first part of April, where were you traveling to?

A. Florida.

Q. Florida.

A. Yeah.

Q. And what were you doing in Florida around April 7th?

A. Moving.

Q. Moving where in Florida?

A. To Apollo Beach.

Q. And what's the address there?

A. 5711 Sea Turtle Place.

Q. When did you purchase 5711 Sea Turtle Place?

A. April 7th.

Q. And from whom did you purchase that?

A. From my parents.

Q. Did you have a contract with them for the

purchase of the Sea Turtle Place?

A. I do think we had some type of paperwork that we had to provide the title company, but I don't recall if it was a -- what type of paperwork it was, if it was a contract or not.

Q. Okay. Do you have the deed to the place, of Sea Turtle?

A. I believe so.

Q. Could you put your hands on that?

A. That's something my wife handles, so we'd have to get with her and ask her to help provide that if it's necessary.

Q. All right. I'll ask her during her deposition.

A. Okay.

Q. Where are you from, Mr. Mucerino?

A. As far as where was I born?

Q. Where were you born?

A. Nashville, Tennessee.

Q. Are you a Tennessee -- well, you would be a Tennessee native. How long have you lived in Tennessee?

A. I've lived there since 1981.

Q. You have lived in Tennessee since 1981. Let me ask this. I'm sorry. Where are you right now?

1 A. I'm in Florida right now.  
 2 Q. Okay. Are you at the Sea Turtle residence?  
 3 A. I am, yes.  
 4 Q. How long have you been down there?  
 5 A. I've been down here -- I guess, maybe you  
 6 could be more specific with your question?  
 7 Q. Sure. Since the last time you visited  
 8 Tennessee -- let me ask it this way.  
 9 When was the last time you were in  
 10 Tennessee?  
 11 A. It's been -- let's see, let me think of what  
 12 day it is. A week and a half, probably would be my  
 13 last day I was in Tennessee; it's probably been a  
 14 week and a half ago.  
 15 Q. Okay. So you have been down in -- I'm going  
 16 to refer to it as Sea Turtle -- since you last were  
 17 in Tennessee?  
 18 A. That's correct.  
 19 Q. Apollo Beach, that's near Tampa, right?  
 20 A. That's right.  
 21 Q. Okay. When did you move to Florida?  
 22 A. I started moving down here in March of 2021.  
 23 Q. So before you moved in March of 2021, had you  
 24 lived in Tennessee your whole life then?  
 25 A. Correct.

1 Q. How long have you and your wife been married?  
 2 A. We have been married for 17 years -- no, we  
 3 have been married for, I'm sorry -- so it's been --  
 4 Q. That's okay if you need to ask her.  
 5 A. 2008. Okay. We have been married since  
 6 2008. I'm sorry.  
 7 Q. That's all right. And is she also from  
 8 Tennessee?  
 9 A. Yes, she is. She was born in Nashville.  
 10 Q. And where did you two meet?  
 11 A. In Nashville.  
 12 Q. And were you married in Tennessee also?  
 13 A. We were, yes.  
 14 Q. Mr. Mucerino, I've got a list of properties  
 15 that came up when I did a real estate search on you,  
 16 and I just wanted to ask you whether you own these  
 17 properties, if you still own these properties, and if  
 18 you don't, when did you get rid of them, okay?  
 19 A. Okay.  
 20 Q. The first one is 1387 Camp Ravine in Burns.  
 21 A. Okay. I sold it on March 31st of 2021.  
 22 Q. And was that your primary residence at the  
 23 time?  
 24 A. It was.  
 25 Q. What about 1911 Ridge Road in Dickson?

1 A. That's been -- I do not own that property,  
 2 and I sold it in 2015, 2015.  
 3 Q. What about 1315 Ridge Road in Dickson?  
 4 A. 2015. Oh, that's the 2015 one. So the 1911  
 5 was the house we lived in prior to the 1315 in 2007,  
 6 yeah.  
 7 Q. And so 1315 you sold in 2015?  
 8 A. That's right.  
 9 Q. Yeah. What about 1313 Ridge Road in Dickson?  
 10 A. I didn't own that property.  
 11 Q. Who did own that property?  
 12 A. That was my father's.  
 13 Q. Is he Frank Mucerino, Jr. or just Frank  
 14 Mucerino?  
 15 A. He's junior.  
 16 Q. And what about 778 Blakemore Road in Dickson?  
 17 A. I never owned that property.  
 18 Q. Do you know someone that did?  
 19 A. My father did own a house on Blakemore Road,  
 20 so it could be possibly his when I was younger.  
 21 Q. That's fine. What about 1333 Ridge Road in  
 22 Dickson?  
 23 A. No, I never owned that property, that was  
 24 also my father's.  
 25 Q. 1425 Highway 96 in Fairview?

1 A. I'm not familiar with that address.  
 2 Q. What about 420 Powder Mill Road in Nashville?  
 3 A. Powder Mill Road?  
 4 Q. Yes, sir.  
 5 A. I'm not familiar with that address either.  
 6 Q. Okay. What about 1010 Post Oak Drive in  
 7 Dickson?  
 8 A. Post Oak Drive, I'm not familiar with that  
 9 address.  
 10 Q. Okay. 502 Trinity Lane in Burns?  
 11 A. Let's see, 5020 that was a project that we  
 12 did in Burns that we sold as an investment property.  
 13 I'm not sure whose name that one was in, though.  
 14 Q. Yeah. What year did you sell that,  
 15 Mr. Mucerino?  
 16 A. 2018, maybe. I'm guessing, 2018.  
 17 Q. 1319 Camp Ravine Road in Burns?  
 18 A. Yeah, that's not a property I'm familiar with  
 19 the address.  
 20 Q. What about 1959 Ridge Road in Dickson?  
 21 A. I'm not familiar with that address.  
 22 Q. What about 1309 Ridge Road -- I'm sorry, 1309  
 23 Ridge Road in Dickson?  
 24 A. I'm not familiar with that address.  
 25 Q. 110 Brook Drive in Dickson, are you familiar

1 with that address?  
 2 A. Yes.  
 3 Q. Tell me, do you own that property?  
 4 A. I do not.  
 5 Q. Who owns that property?  
 6 A. I do not know who owns that property.  
 7 Q. Okay. How are you familiar with that  
 8 address?  
 9 A. I use it as a temporary residence to keep  
 10 some of my stuff in during our transition to Florida.  
 11 Q. Okay. Did I understand correctly that you  
 12 don't know who owns that property?  
 13 A. Correct.  
 14 Q. How did you come to use that property, did  
 15 someone give you permission?  
 16 A. I had a friend.  
 17 Q. Okay.  
 18 A. Uh-huh.  
 19 Q. And who is that friend?  
 20 A. His name is Jason Pilkington.  
 21 Q. We'll come back to that one.  
 22 A-201-L McCord, Dickson?  
 23 A. I'm not familiar with that address.  
 24 Q. Okay. Did you ever own any property on  
 25 Blakemore, Blakemore Road --

1 A. No.  
 2 Q. -- in Tennessee. I'm sorry, I interrupted  
 3 you. Go ahead.  
 4 A. No, I did not.  
 5 Q. I think you said earlier that may have been  
 6 your dad?  
 7 A. I believe so, yeah.  
 8 Q. Okay. The 17739 Front Beach Road in Panama,  
 9 do you still own that?  
 10 A. I'm not familiar with that address.  
 11 Q. You are not, okay.  
 12 A. No.  
 13 Q. As we were going through that list,  
 14 Mr. Mucerino, were you able to think of any other  
 15 properties you own in Tennessee that we haven't  
 16 identified?  
 17 A. No, I was not.  
 18 Q. Okay. And let me ask it this way. Do you  
 19 own any other real estate -- I'll do it again.  
 20 As of April 1, 2021, did you own any  
 21 other real estate in Tennessee that we have not  
 22 identified yet?  
 23 A. I mean, I have some construction loans there.  
 24 Obviously, we were in the house-building business, so  
 25 we do have some real estate that we own that we are

1 currently still building on and have been building on  
 2 at that month.  
 3 Q. And what are those developments?  
 4 A. The names?  
 5 Q. Yes.  
 6 A. Camp Ravine Estates is one, and the other one  
 7 is called the Cottages of Sycamore Ridge.  
 8 Q. Can you estimate how many properties you  
 9 still have a construction loan on for Camp Ravine?  
 10 A. I think we have two.  
 11 Q. Okay. And when you say that you have  
 12 construction loans on those properties, am I correct  
 13 in assuming that means that you have title to those  
 14 properties?  
 15 A. Well, I owe the bank money with a loan, so I  
 16 don't have clear title to it, no.  
 17 Q. But your name -- I mean, you are listed as  
 18 the owner?  
 19 A. That's right.  
 20 Q. And what about Cottages of Sycamore, the same  
 21 question. How many loans do you have?  
 22 A. I only have loans at the Cottages of Sycamore  
 23 Ridge. I don't have any loans at Camp Ravine  
 24 Estates.  
 25 Q. I misunderstood. So the two loans you

1 mentioned earlier were for Cottages of Sycamore?  
 2 A. Correct.  
 3 Q. And Cottages of Sycamore, is that in Burns or  
 4 Dickson or what?  
 5 A. Burns.  
 6 Q. What's the address on those two properties at  
 7 Sycamore?  
 8 A. I don't know the addresses there.  
 9 Q. Okay. And so am I correct then that you  
 10 don't have any loans on any of the properties at Camp  
 11 Ravine Estates?  
 12 A. Correct.  
 13 Q. All right. On April 7, 2021, what residence  
 14 were you staying at?  
 15 A. On that date?  
 16 Q. Yes.  
 17 A. I don't remember.  
 18 Q. Don't remember.  
 19 I'll tell you what, we know that you sold  
 20 your home at 1387 Camp Ravine Road on March 31, 2021,  
 21 correct?  
 22 A. Yes.  
 23 Q. The buyer, as I understand it, was Steven  
 24 Dale Rich; is that correct?  
 25 A. That is correct.

1 Q. Okay. How do you know -- or do you know  
2 Steven Dale Rich?  
3 A. I do not.  
4 Q. Okay. No relation to you?  
5 A. No.  
6 Q. Under that transaction, when were you  
7 obligated to vacate 1387 Camp Ravine Road?  
8 A. I closed on it on 3-31.  
9 Q. Uh-huh. Is that the day you were to vacate?  
10 A. That was the closing date, yep.  
11 Q. Okay. Were you back at the property at all  
12 after 3-31-21?  
13 A. I have been back a couple times to help Steve  
14 and go over some things with him, correct.  
15 Q. Okay. What sort of things were you helping  
16 Steve and going over with him?  
17 A. Learning how the pool worked, something he  
18 asked me to help him with, and a couple questions  
19 about the house and the gate, how the gate opener  
20 worked.  
21 Q. Was March 31, 2021 the last date you resided  
22 at 1387 Camp Ravine?  
23 A. Yes.  
24 Q. After March 31, 2021, did you still have any  
25 personal belongings at 1387 Camp Ravine?

1 A. I did not.  
2 Q. When did you remove your personal belongings  
3 from 1387 Camp Ravine?  
4 A. On or about 3-31-2021.  
5 Q. And where did you move them to?  
6 A. I moved some items to Florida first. I had  
7 two storage buildings located in Burns. And I had  
8 the remaining items that I had left over to the house  
9 at 110 Brook Drive.  
10 Q. So you moved some of the stuff to Florida,  
11 some you left in some storage units in Burns, and  
12 some you moved to 110 Brook Drive?  
13 A. Right.  
14 Q. Okay. Do you remember when you moved that  
15 stuff to Florida?  
16 A. I started moving to Florida in March.  
17 Q. Right.  
18 A. I don't remember the exact date.  
19 Q. You purchased the home in Florida, Sea Turtle  
20 home, on April 7, 2021, correct?  
21 A. That's right.  
22 Q. Do you remember moving any of your property  
23 to Sea Turtle after April 7, 2021?  
24 A. I did, yes.  
25 Q. Okay. Do you remember when that was?

1 A. I don't remember the dates, no.  
2 Q. Are you completely moved to Sea Turtle now?  
3 A. I am, yes.  
4 Q. Is there any property left in Tennessee, any  
5 personal property left in Tennessee that you still  
6 need to move?  
7 A. No.  
8 Q. I'm going to identify a couple of P.O. Boxes,  
9 and I want to see if you still own these P.O. Boxes,  
10 okay?  
11 A. Okay.  
12 Q. P.O. Box 281 in Dickson?  
13 A. Yes.  
14 Q. And what is that P.O. Box for?  
15 A. That's for business stuff for Better Built  
16 Homes.  
17 Q. All right. P.O. Box 112 in Dickson?  
18 A. 112, I'm not familiar with that one.  
19 Q. What about P.O. Box 1102 in Dickson?  
20 A. Yeah, that's my parents' P.O. Box.  
21 Q. Do your parents live in Dickson?  
22 A. They do not.  
23 Q. Where do they live?  
24 A. They live in Apollo Beach.  
25 Q. Do they have a home or any other property in

1 Tennessee?  
2 A. They do own real estate there still in  
3 Tennessee, yes.  
4 Q. Do they own a residence, not an investment  
5 property, but a residence in Tennessee?  
6 A. They do not own a residence in Tennessee, no.  
7 Q. What does Creekside Terrace, LLC do? What is  
8 their business?  
9 A. Creekside Terrace, LLC, is a company that my  
10 dad started years ago as a property holding company.  
11 Q. I'm sorry?  
12 A. Property holding company and development  
13 company.  
14 Q. And I believe your dad is a member of the  
15 company?  
16 A. He is.  
17 Q. You are a member of the company?  
18 A. Correct.  
19 Q. And who else is a member?  
20 A. My mother.  
21 Q. And remind me of her name.  
22 A. Laura.  
23 Q. How long have your parents lived in Florida?  
24 A. Lived here since 2018, '17, late '17 maybe.  
25 Q. All right. And do I understand correctly



1 they don't have a residence in Tennessee?  
 2 A. That's correct.  
 3 Q. Are you an officer in Creekside Terrace?  
 4 A. I don't know how that's set up.  
 5 Q. Okay. Is your wife a member or an officer of  
 6 Creekside Terrace?  
 7 A. Not that I'm aware of.  
 8 Q. It's my understanding, and, of course,  
 9 correct me if I'm wrong, that Creekside Terrace was  
 10 formed on October 25, 2012; is that correct?  
 11 A. I don't know.  
 12 Q. Okay. Were you involved in the formation of  
 13 the company?  
 14 A. Not that I recall.  
 15 Q. All right. Are you aware that the Secretary  
 16 of State lists the principal office of Creekside  
 17 Terrace, LLC as 1387 Camp Ravine?  
 18 A. Not that I'm aware of, no.  
 19 Q. You don't know.  
 20 And are you aware that the Tennessee  
 21 Secretary of State identifies the mailing address for  
 22 Creekside Terrace as P.O. Box 1102 in Dickson?  
 23 A. I'm not aware of that either.  
 24 Q. Are you aware that you are listed as the  
 25 registered agent of Creekside Terrace?

1 A. I'm not aware of that either.  
 2 Q. Who would have done that? If you are not  
 3 aware of that, who would have set that up?  
 4 A. It would have been my wife.  
 5 Q. Okay. What is your role in Creekside  
 6 Terrace?  
 7 A. I don't have a role with Creekside Terrace.  
 8 Q. Do you do anything with Creekside Terrace?  
 9 A. I do not.  
 10 Q. And you mentioned earlier Better Built Homes,  
 11 which I understand to be Better Built Homes, LLC. Is  
 12 that your company?  
 13 A. Yes, it is.  
 14 Q. It's my understanding that was formed on  
 15 May 5, 2015. Does that ring a bell, or does that  
 16 sound accurate?  
 17 A. I'm not sure about the dates for that.  
 18 Q. Okay. Who set up this company, Better Built  
 19 Homes?  
 20 A. Initially, it was set up back in the mid '90s  
 21 by my dad.  
 22 Q. Okay. Initially. What about subsequent to  
 23 that?  
 24 A. I'm not sure. I don't handle any of the  
 25 paperwork for Better Built Homes either.

1 Q. Did you set it up?  
 2 A. I did not.  
 3 Q. Did your wife set it up?  
 4 A. Would have, yes.  
 5 Q. I'm sorry?  
 6 A. My wife would have set it up, yes.  
 7 Q. What is your role in Better Built Homes?  
 8 A. I'm the owner of Better Built Homes and the  
 9 contractor for Better Built Homes.  
 10 Q. And in your role as owner and contractor,  
 11 describe for me what you do on a day-to-day basis.  
 12 A. I call subcontractors to assist in home  
 13 construction in Burns, and oversee the homes under  
 14 construction on a day-to-day basis.  
 15 Q. Are there still homes being built for  
 16 Creekside Terrace -- I'm sorry.  
 17 A. Okay.  
 18 Q. Let me ask that question again.  
 19 Are there still homes being built in the  
 20 Camp Ravine subdivision?  
 21 A. There are still homes in Camp Ravine Estates  
 22 under construction, yes.  
 23 Q. And is that true also for Sycamore, that  
 24 there's homes under construction?  
 25 A. Yes.

1 Q. But in your role as owner and contractor, are  
 2 you on site on a regular basis?  
 3 A. Typically, yes, but not since March.  
 4 Q. Have you been on site since March?  
 5 A. I have.  
 6 Q. On either of the developments. I'm sorry.  
 7 A. I've been on both sites since March, yes.  
 8 Q. Do you have a calendar of when you were on  
 9 site for each of these sites' developments?  
 10 A. I do not.  
 11 Q. Is there any way that we can verify when you  
 12 were on site for these developments?  
 13 A. I'm not aware of any way to be able to do so.  
 14 Q. Between April 1st and, let's say, April 10,  
 15 2021, were you on site for either Camp Ravine or the  
 16 Sycamore developments?  
 17 A. I don't remember.  
 18 Q. Mr. Mucerino, as of April 7, 2021, where were  
 19 you registered to vote?  
 20 A. I'm still registered to vote in Tennessee.  
 21 Q. Which means you are not registered to vote  
 22 right now in Florida?  
 23 A. Correct.  
 24 Q. As of April 7, 2021 -- I'm sorry. On  
 25 April 7, 2021, tell me where your bank accounts, your



1 personal bank accounts, were located?  
 2 A. I don't know that.  
 3 Q. Were they in Tennessee or in Florida?  
 4 A. I don't know.  
 5 Q. Who would know that?  
 6 A. My wife.  
 7 Q. As of April 7, 2021, were you a member of any  
 8 organizations or social clubs?  
 9 A. Where at?  
 10 Q. I'm sorry?  
 11 A. Where at?  
 12 Q. Anywhere.  
 13 A. Anywhere.  
 14 Q. Yeah.  
 15 A. I don't recall.  
 16 Q. So you don't remember if you were a member of  
 17 any sort of organization, whether in Florida or in  
 18 Tennessee?  
 19 A. Not that I can remember, no.  
 20 Q. What about a church?  
 21 A. No.  
 22 Q. Whether in Tennessee or Florida?  
 23 A. No.  
 24 Q. Are you a member of any organization in  
 25 Florida right now?

1 A. No, not that I'm aware of.  
 2 Q. Okay. Well, what about a gym, on April 7,  
 3 2021?  
 4 A. Unless the homeowner's association counts as  
 5 an organization?  
 6 Q. Sure.  
 7 A. Yeah. We have been a part of the homeowner's  
 8 association since we bought the home.  
 9 Q. Since when?  
 10 A. Since April 7th.  
 11 Q. Did Camp Ravine have a homeowner's  
 12 association?  
 13 A. It did not.  
 14 Q. What kind of structure did it have to manage  
 15 the affairs of the common areas of Camp Ravine?  
 16 A. It doesn't have common areas.  
 17 Q. Okay. Between January 2021 and April 7,  
 18 2021, did you make any charitable contributions to  
 19 any organization?  
 20 A. I don't remember.  
 21 Q. Okay. Would your wife know that also?  
 22 A. She may.  
 23 Q. Okay. As of April 7, 2021, what state had  
 24 your driver's license?  
 25 A. Tennessee.

1 Q. And has that changed to Florida yet?  
 2 A. It has not.  
 3 Q. And what about your car registration on  
 4 April 7, 2021?  
 5 A. Tennessee.  
 6 Q. Is that in Tennessee?  
 7 A. Yes.  
 8 Q. I'm sorry, was that a yes?  
 9 A. That's a yes.  
 10 Q. Okay. And is it still Tennessee?  
 11 A. It is.  
 12 Q. In 2021 have you filed any quarterly taxes?  
 13 A. Not that I'm aware of, but my wife handles  
 14 that as well.  
 15 Q. Okay. Is it safe for me to assume that your  
 16 wife handles most of the business aspects?  
 17 A. Yes.  
 18 Q. Got it. And on April 7, 2021, Mr. Mucerino,  
 19 where were your children registered for school, or  
 20 where were they in school?  
 21 A. I don't have but one child who is in school,  
 22 and he was in school in Burns. He did virtual  
 23 school, though, so he was able to do school from  
 24 wherever we were.  
 25 Q. But he was still registered in Burns?

1 A. That's right.  
 2 Q. Or Dickson, whatever county that is?  
 3 A. Yeah, Dickson County.  
 4 Q. Thank you. Would your wife also know about  
 5 the Creekside Terrace and Better Built Homes' bank  
 6 accounts, where they are located?  
 7 A. She would.  
 8 Q. Mr. Mucerino, other than the two businesses  
 9 that we discussed, Creekside Terrace and Better Built  
 10 Homes, do you own any other businesses?  
 11 A. I do not.  
 12 Q. Whether in Tennessee or Florida?  
 13 A. No.  
 14 Q. And when I say own, I mean a member of or  
 15 partner of or anything like that. Are you involved  
 16 in any other business other than those two?  
 17 A. Not that I remember.  
 18 Q. Okay. Earlier Mr. Bulso provided me with a  
 19 deed dated April 5, 2021 for property located at  
 20 6308, I guess that's Cocoa Lane?  
 21 A. Cocoa.  
 22 Q. Cocoa?  
 23 A. Uh-huh.  
 24 Q. It's a misprint on my part.  
 25 A. Cocoa Lane, yeah.

1 Q. Yes. And is that property that your father  
2 sold to you also?  
3 A. No, that's his property.  
4 Q. That's his property?  
5 A. Yes.  
6 Q. But it was deeded to you on April 5th,  
7 correct?  
8 A. No.  
9 Q. Give me one second.  
10 A. Okay.  
11 MR. NEFFLEN: Let's go off the record  
12 well quick.  
13 (An off-the-record discussion was held.)  
14 BY MR. NEFFLEN:  
15 Q. Mr. Mucerino, can you see the chat box where  
16 you are?  
17 A. Yeah, I do.  
18 Q. Do you see that number 2?  
19 A. I see a number 1.  
20 Q. Okay.  
21 (An off-the-record discussion was held.)  
22 BY MR. NEFFLEN:  
23 Q. Mr. Mucerino, can you see that Warranty Deed  
24 that I have up there?  
25 A. Yes.

1 Q. Let me make sure I understand this right.  
2 What it appears to say is that this warranty deed --  
3 you see at the beginning there?  
4 A. Yes.  
5 Q. Is between Frank Mucerino, Jr. and Laura  
6 Mucerino. Those are your parents?  
7 A. Yes.  
8 Q. And they are identified as the grantor, and  
9 it identifies Frank Mucerino, III and Stephanie  
10 Mucerino as the grantees. That's you and your wife,  
11 correct?  
12 A. That's correct.  
13 Q. And it appears to deed this property, Lot 13,  
14 Block 30, Mirabay Phase, to you and your wife.  
15 A. Okay.  
16 Q. Is that correct or incorrect?  
17 A. The names and addresses on there are correct,  
18 yes.  
19 Q. Okay. And do you see the second page, it  
20 shows the witnesses, and what I understand to be your  
21 parents' signatures, and it's notarized.  
22 A. Yes.  
23 Q. You said the addresses and names were  
24 correct. Is the grant incorrect?  
25 What's incorrect about this?

1 A. This is the first time that I've seen this  
2 warranty deed. Like I said, my wife handles this  
3 stuff most of the time.  
4 I think what I understood your question  
5 to be earlier is you asked me did they grant me 6308  
6 Cocoa Lane, and they did not, so --  
7 Q. I misspoke.  
8 A. Okay.  
9 Q. So I appreciate the correction.  
10 Are you aware that they granted you this  
11 property reflected in the warranty deed that we are  
12 looking at right now?  
13 A. Yes.  
14 Q. Okay. So you do own that property now?  
15 A. I do, yes.  
16 MR. NEFFLEN: Okay. Before we go any  
17 further, let's mark this as Exhibit 1.  
18 (WHEREUPON, a document was marked as  
19 Exhibit Number 1.)  
20 BY MR. NEFFLEN:  
21 Q. So with that clarification, Mr. Mucerino,  
22 what is this piece of property? Is it a piece of  
23 undeveloped property, or is there a home on it?  
24 A. It's my house that I live in, my primary  
25 residence.

1 Q. So are you telling me that Lot 13, Block 30,  
2 Mirabay Phase 3B-2 is the same as 5711 Sea Turtle  
3 Place?  
4 A. I don't know.  
5 Q. Okay.  
6 A. I'm familiar with my address, it's 5711 Sea  
7 Turtle Place, but not the legal description of the  
8 Lot 13, Block 30, Mirabay Phase 3B-2.  
9 Q. Are you aware of any other property that you  
10 own in Florida?  
11 A. I'm not.  
12 Q. Just the 5711 Sea Turtle Place?  
13 A. Correct.  
14 Q. Okay. In the second paragraph of this  
15 warranty deed we are looking at, it says,  
16 "Consideration in the sum of \$10."  
17 Then at the top of this thing, this  
18 warranty deed, excuse me, Exhibit 1, it says,  
19 "Consideration \$650,000."  
20 Did you pay your parents \$650,000 for  
21 5711 Sea Turtle Place?  
22 A. I did.  
23 Q. Did you give them \$10 for anything else?  
24 MR. BULSO: Object to the form.  
25 MR. NEFFLEN: That's a bad question.

1 BY MR. NEFFLEN:  
 2 Q. Did you give them \$10 for any other real  
 3 property in Tennessee?  
 4 A. In Tennessee?  
 5 Q. I'm sorry. In Florida?  
 6 A. Not that I recall.  
 7 Q. Okay. Mr. Mucerino, are you currently  
 8 working in Florida?  
 9 A. I am, yes.  
 10 Q. What is your job there?  
 11 A. We started construction here.  
 12 Q. As the owner of a company or as an employee  
 13 of a company or as an independent contractor?  
 14 A. Independent contractor.  
 15 Q. And, Mr. Mucerino, are you aware of any  
 16 investments that you have, or should I ask your wife  
 17 that question?  
 18 A. You can ask her.  
 19 Q. Are you aware of any investments that you  
 20 have?  
 21 A. What type of investments?  
 22 Q. Any. I'm talking about stocks. We are  
 23 talking about -- I know about Creekside Terrace and I  
 24 know about Better Built Homes.  
 25 Any stocks, investment accounts?

1 A. She handles that as well. She would be the  
 2 best person to ask.  
 3 Q. Fair enough. I'm going to step away for a  
 4 second, Mr. Mucerino. I believe we are done, but I  
 5 want to consult with my associate here.  
 6 A. Okay.  
 7 Q. And I'll be right back, and I believe we'll  
 8 be ready to talk with your wife for a few minutes.  
 9 A. Okay.  
 10 (An off-the-record discussion was held.)  
 11 BY MR. NEFFLEN:  
 12 Q. Mr. Mucerino, one last question.  
 13 Do you recall when the first time you  
 14 spent the night in your current home at Sea Turtle on  
 15 or after April 7, 2021?  
 16 MR. BULSO: Object to the form.  
 17 BY MR. NEFFLEN:  
 18 Q. Let me see if I can clarify that.  
 19 Between April 7, 2021 and the present, do  
 20 you recall the first time you spent the night  
 21 overnight at your home at Sea Turtle?  
 22 A. Give me one second, please.  
 23 Q. Hold on. Mr. Mucerino, you can't talk to  
 24 your wife. I'm sorry.  
 25 A. My little girl was out here.

1 Q. I apologize.  
 2 A. I'm sorry for interrupting. Can you ask me  
 3 that again? I'm sorry, she was wanting a snack.  
 4 Q. Do you need to take a break?  
 5 A. No. No, I'm good.  
 6 Q. Between April 7, 2021 and the present, do you  
 7 recall the first time you spent the night at your Sea  
 8 Turtle home?  
 9 A. No, I don't remember.  
 10 MR. NEFFLEN: Okay. Fair enough.  
 11 Mr. Mucerino, I appreciate your time, and we'll go to  
 12 talk with your wife now.  
 13 THE WITNESS: All right. Thank you.  
 14 MR. BULSO: We have no questions.  
 15 (An off-the-record discussion was held.)  
 16 MR. BULSO: Standard caption under the  
 17 Tennessee rules?  
 18 MR. NEFFLEN: That's fine.  
 19 FURTHER DEPONENT SAITH NOT  
 20 (Proceedings concluded at 2:24 p.m.)  
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1 REPORTER'S CERTIFICATE  
 2  
 3 STATE OF TENNESSEE  
 4 COUNTY OF DAVIDSON  
 5 I, SANDRA ANDRYS, LCR, RPR, RMR, with  
 6 offices in Nashville, Tennessee, hereby certify that  
 7 I reported the foregoing videoconference deposition  
 8 of FRANK L. MUCERINO, III, by machine shorthand to  
 9 the best of my skills and abilities, and thereafter  
 10 the same was reduced to typewritten form by me.  
 11 I further certify that I am not related  
 12 to any of the parties named herein, nor their  
 13 counsel, and have no interest, financial or  
 14 otherwise, in the outcome of the proceedings.  
 15 I further certify that in order for this  
 16 document to be considered a true and correct copy, it  
 17 must bear my original signature and that any  
 18 unauthorized reproduction in whole or in part and/or  
 19 transfer of this document is not authorized, will not  
 20 be considered authentic, and will be in violation of  
 21 Tennessee Code Annotated 39-14-104, Theft of  
 22 Services.  
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<div>Exhibits</div> <div>Ex 01 - Frank Mucerino 3:11 31:17,19 32:18</div> <div>\$</div> <div>\$10 32:16,23 33:2 \$650,000 32:19,20</div> <div>1</div> <div>1 14:20 29:19 31:17,19 32:18 10 24:14 1010 12:6 110 12:25 18:9,12 1102 19:19 21:22 112 19:17,18 13 30:13 32:1,8 1309 12:22 1313 11:9 1315 11:3,5,7 1319 12:17 1333 11:21 1387 10:20 16:20 17:7, 22,25 18:3 21:17 1425 11:25 17 10:2 20:24 17739 14:8 1911 10:25 11:4 1959 12:20 1981 8:23,24 1st 24:14</div> <div>2</div> <div>2 29:18 2007 11:5 2008 10:5,6</div>	<div>2012 21:10 2015 11:2,4,7 22:15 2018 12:16 20:24 2021 5:10 6:17,24 7:3 9:22,23 10:21 14:20 16:13,20 17:21,24 18:20, 23 24:15,18,24,25 25:7 26:3,17,18,23 27:4,12,18 28:19 34:15,19 35:6 25 21:10 281 19:12 2:24 35:20</div> <div>3</div> <div>3-31 17:8 3-31-2021 18:4 3-31-21 17:12 30 30:14 32:1,8 31 16:20 17:21,24 31st 10:21 3B-2 32:2,8</div> <div>4</div> <div>420 12:2</div> <div>5</div> <div>5 22:15 28:19 502 12:10 5020 12:11 5711 7:20,21 32:2,6,12, 21 5th 29:6</div> <div>6</div> <div>6308 28:20 31:5</div> <div>7</div> <div>7 5:10 6:17,24 7:3 16:13 18:20,23 24:18,24,25 25:7 26:2,17,23 27:4,18</div>	<div>34:15,19 35:6 778 11:16 7th 6:15 7:15,22 26:10</div> <div>9</div> <div>90s 22:20 96 11:25</div> <div>A</div> <div>A-201-L 13:22 accounts 24:25 25:1 28:6 33:25 accurate 22:16 action 5:9 address 7:19 12:1,5,9, 19,21,24 13:1,8,23 14:10 16:6 21:21 32:6 addresses 16:8 30:17, 23 affairs 26:15 agent 21:25 ahead 14:3 Apollo 7:18 9:19 19:24 apologize 35:1 appears 30:2,13 April 5:10 6:15,17,24 7:3, 9,15,22 14:20 16:13 18:20,23 24:14,18,24,25 25:7 26:2,10,17,23 27:4, 18 28:19 29:6 34:15,19 35:6 areas 26:15,16 aspects 27:16 assist 23:12 associate 34:5 association 26:4,8,12 assume 27:15 assuming 15:13 aware 21:7,15,18,20,23, 24 22:1,3 24:13 26:1 27:13 31:10 32:9 33:15, 19</div>	<div>B</div> <div>back 6:25 13:21 17:11,13 22:20 34:7 bad 32:25 bank 15:15 24:25 25:1 28:5 basis 23:11,14 24:2 Beach 7:18 9:19 14:8 19:24 beginning 30:3 bell 22:15 belongings 17:25 18:2 Blakemore 11:16,19 13:25 Block 30:14 32:1,8 born 8:17,18 10:9 bought 26:8 box 19:12,14,17,19,20 21:22 29:15 Boxes 19:8,9 break 6:9 35:4 Brook 12:25 18:9,12 building 15:1 buildings 18:7 built 19:15 22:10,11,18, 25 23:7,8,9,15,19 28:5,9 33:24 Bulso 28:18 32:24 34:16 35:14,16 Burns 10:20 12:10,12,17 16:3,5 18:7,11 23:13 27:22,25 business 14:24 19:15 20:8 27:16 28:16 businesses 28:8,10 buyer 16:23</div> <div>C</div> <div>calendar 24:8 call 23:12</div>
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